

Serial No. 09/847,347

Docket No. K-282

Amdt. dated May 12, 2004

Reply to Office Action of February 13, 2004

REMARKS

Reconsideration and allowance of this application, as amended, are respectfully requested. New claims 12-25 have been added. Claims 1-25 are now pending in the application. Applicant acknowledges with gratitude the indication that claims 2-6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, the rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein.

As required by the Office Action, the specification has been amended to add the reference sign --500-- to the paragraph beginning on page 7, line 6, to describe the ATM cell monitoring device (500) as shown in Figure 2. Accordingly, the Examiner is requested to withdraw the outstanding objection to the drawings.

The specification has also been amended to correct clerical errors and for improved readability.

35 U.S.C. § 103(a) – Nobuyasu et al. in view of Seta

Claims 1, 7-9 and 11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nobuyasu et al. (U.S. Patent Number 6,445,683 B1) (hereinafter “Nobuyasu”) in view of Seta (U.S. Patent Application Publication Number 2002/0054611 A1). The rejection is respectfully traversed.

Claim 1 broadly recites the features of the embodiment(s) disclosed in the application, which relates to asynchronous transfer mode cell monitoring. An embodiment of Applicant's invention is shown in Figure 2, in which an ATM cell monitoring device is depicted. Distinguishing features of claim 1 include the following. The claimed monitoring apparatus comprises a receive interface part recording a cell to be monitored in a storage part by checking latched VPI/VCI of cells received from a base transceiver station by a base station controller. The receive interface part also "count[s] the number of error occurrence by checking header errors of the cells," as recited in claim 1. Further, a transmission interface part transfers a test cell to the base transceiver station, the test cell "produced for checking a cell transmission time between the base transceiver station and the base station controller," as also recited in claim 1.

The disclosure of Nobuyasu does not anticipate the claimed invention. While Nobuyasu may refer to a base-station host system with a BTS interface as shown in Figures 2 and 3, there is no teaching of at least counting the number of error occurrence by checking header errors and checking a cell transmission time, as claimed. As shown in Nobuyasu's Figure 2, a base station controller (BSC 13) includes a BTS interface (21) further shown in Figure 3. An ATM terminating LSI (21b) checks an extracted ATM cell for an HEC (Header Error Control) error and filters the received cell (column 6, lines 34-37). The HEC is used for detecting a header error (column 7, lines 6-7).

As shown in Figure 6, an HEC processor (43) of a Type 0 assembler (21d) "checks the header of the CPS packet for an error, and, sends an HEC error to an OR gate 48 if it detects

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an error. When the OR gate 48 is supplied with ... an HEC error ... the OR gate 48 sends a reset signal to the FIFO memory 50, the HEC processor 43, the CID latch 45, the LI latch 46, and the modulo-53 counter 41 for thereby resetting them.” (See column 8, lines 17-19). Nobuyasu’s HEC processor (43) does not count the number of error occurrence by checking header errors of the cells, as claimed. Instead, Nobuyasu’s system merely resets the HEC processor upon encountering a header error.

Seta adds nothing to remedy the deficiencies found in Nobuyasu. Seta discloses a time synchronization method in a CDMA system as shown in Figure 1. Seta synchronizes the time of a plurality of base stations in a CDMA system and the time of a base station controller by sending time reference information from the base station controller to each base station and synchronizing the time of each base station based upon the time reference information (paragraph [0017]). However, there is no mention in Seta of “counting the number of error occurrence by checking header errors of the cells,” as recited in Applicant’s claim 1.

Neither Nobuyasu nor Seta teach Applicant’s claimed invention. At least by virtue of the aforementioned differences, the invention defined by Applicant’s claim 1 is patentable over Nobuyasu in view of Seta. Applicant’s claims 7-9 and 11 depend from claim 1, and therefore define patentable subject matter for at least the aforementioned reasons as well as for their additionally recited features. Reconsideration and withdrawal of the rejection under § 103(a) are respectfully requested.

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35 U.S.C. § 103(a) – Nobuyasu et al. in view of Seta, and in further view of Lee et al.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nobuyasu et al. in view of Seta, and in further view of Lee et al. (U.S. Patent Application Publication Number 2001/0006516 A1)) (“Lee”). The rejection is respectfully traversed.

Applicant’s claim 10 is a dependent claim including all of the limitations of independent claim 1, which, as established above, distinguishes over Nobuyasu in view of Seta. Lee discloses a base station controller adopting a high capacity ATM switch as shown in Figure 2. However, Lee does not remedy the deficiencies of Nobuyasu in view of Seta. There is no mention in Lee of “counting the number of error occurrence by checking header errors of the cells,” as recited in Applicant’s claim 1. At least by virtue of the aforementioned differences, the invention defined by Applicant’s claim 10 is patentable over Nobuyasu in view of Seta, and in further view of Lee. Reconsideration and withdrawal of the rejection under § 103(a) are respectfully requested.

Newly Added Claims

Claims 12-23 are newly added by this Amendment and believed to be in condition for allowance.

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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned agent, Daniel Y.J. Kim, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Date: May 12, 2004

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